IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

FRIDAY, THE 6TH JULY 2007 / 15TH ASHADHA 1929

WP(C).No. 20815 of 2007(C)

PETITIONER:

C.P.SATHYANAND, S/O. BHASKARAN,
AGED 50 YEARS, SREYAS, THRICHAMBARAM,
THALIPARAMBA, KANNUR DISTRICT.

BY ADV. SRI.C.MURALIKRISHNAN (PAYYANUR)

RESPONDENTS:

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1. STATE OF KERALA, REPRESENTED BY
SECRETARY TO LABOUR AND REHABILITATION
DEPARTMENT.

2. SECRETARY TO GOVT.,
DEPT. OF TRANSPORT, THIRUVANANTHAPURAM.

3. TRANSPORT COMMISSIONER,
THIRUVANANTHAPURAM.

4. DISTRICT EXECUTIVE OFFICER,
KERALA STATE MOTOR TRANSPORT WORKERS WELFARE
FUND BOARD, KANNUR.

5. TAHSILDAR,
TALIPARAMBA, KANNUR DISTRICT.

BY GOVT. PLEADER SRI.I.V.PRAMOD.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 06/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

S. SIRI JAGAN, J.

WP(C) NO. 20815 OF 2007 - C

Dated this the 6th day of July, 2007

J U D G M E N T

The petitioner challenges revenue recovery proceedings pursuant to final determination order passed under the Kerala Motor Transport Workers Welfare Fund Act (for short 'the Act') as also for arrears of motor vehicle tax. However, the learned counsel for the petitioner submits that the petitioner would be satisfied with a direction to the respondents to permit him to pay the amounts demanded in instalments.

2. Having heard both sides, taking a lenient view, I direct the respondents to permit the petitioner to pay the amounts in six equal monthly instalments starting from 15th July, 2007. Every subsequent instalment shall be paid on the first working day after the 14th of every succeeding month. If the petitioner pays the instalment amounts, without default, in time, the coercive recovery proceedings pursuant to the impugned notice shall be kept in abeyance. However, if the petitioner commits default in

payment of any one instalment, the respondents are free to continue the proceedings as per the notice now issued without having to issue any fresh notice or proceedings in that regard. The payment shall be made to the fifth respondent.

sd/-

S. SIRI JAGAN,
Judge

Mbs/

S.SIRI JAGAN, J

W.P.(C) NO. OF 2001

J U D G M E N T

DATED:01-06-2007